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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/752,208	01/06/2004	Irving Sabo	2258.002	2638

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HESLIN ROTHENBERG FARLEY & MESITI PC
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ALBANY, NY 12203

EXAMINER

GABLER, PHILIP FRANCIS

ART UNIT	PAPER NUMBER
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3637

MAIL DATE	DELIVERY MODE
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10/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/752,208	Applicant(s) SABO ET AL.	
	Examiner Philip Gabler	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-10,21-23 and 25-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-10,21-23 and 25-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-9, 21-23, 25-31, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fox (US Patent Number 676127). Fox (Figures 1-4) discloses a storage container comprising: an enclosure (A) having an open top (at B and C), a bottom (lower portion of A), a first end and a second end (left and right sides of A, respectively) opposite the first end, a dimension extending between the first end and the second end defining a longitudinal dimension of the enclosure; a first lid (D) pivotally mounted to the first end, the first lid adapted to cover at least some of the open top; at least one second lid (E) detachably mounted (would be removable with members e, e², etc.) between the first end and the second end, the second lid adapted to cover at least some of the open top; and a third lid (also D) pivotally mounted to the second end, the third lid adapted to cover at least some of the open top; wherein the at least one second lid is slidably translatable along the open top of the enclosure between the first lid and the third lid (the lid is clearly slidable and at least portions of it can be between the first and third lids). Fox's second lid is not slidably translatable longitudinally along the top but rather longitudinally; however, it would have been obvious to one of ordinary skill in

Art Unit: 3637

the art at the time the invention was made to allow the second lid to slide longitudinally instead of laterally as it has been held that a mere shifting or reversal of parts of a device involves only routine skill in the art and this could allow the lid to be opened and stored in a different manner as desired by a user.

3. Regarding claim 3, Fox further discloses the first end comprising a first end panel (end panel of A) and wherein the first lid is pivotally mounted to the first end panel.

4. Regarding claim 4, Fox discloses the first end comprising the first end panel (end panel of A) and the second end comprising the second end panel (other end panel of A), and wherein the first lid is pivotally mounted to the first end panel and the third lid is pivotally mounted to the second end panel.

5. Regarding claim 5, Fox further discloses the first lid adaptable to be pivotally mounted into a horizontal position outside the open top of the enclosure (as shown by the right lid in Figure 1).

6. Regarding claim 6, Fox further discloses at least one of the first lid and the third lid is adapted to be pivotally mounted into a horizontal position outside the open top of the enclosure (see Figure 1).

7. Regarding claim 7, Fox further discloses at least one of the first lid and third lid is adapted to be pivotally mounted in a vertical position outside the open top of the enclosure (the lids would swing through a vertical position between their closed and open horizontal positions).

8. Regarding claim 8, Fox further discloses the first lid, the second lid, and the third lid are adapted to substantially enclose the open top of the enclosure.

9. Regarding claim 9, Fox further discloses at least one removable sub-container (a) positioned within the enclosure.

10. Regarding claim 21, Fox further discloses the first lid comprises a through hole (viewed as the hole present on the lid mounted leaf of the hinge), and wherein the first lid is pivotally mounted to the first end by a hinge assembly (see left side of Figure 1) comprising: at least one hinge block (viewed as the enclosure mounted leaf of the hinge) having a through hole; and a circular rod adapted to engage the through hole in the block and lid, the circular rod having an axis (along its length); wherein the hinge assembly is adapted to allow rotation of the lid about the axis of the circular rod. [Note that Fox does not disclose specifics of his hinge; however, the members described above are viewed as inherently present in a standard hinge design. See for example US Patent Number 4099347 to Sharp, which discloses a typical hinge with two leaves, through holes, and a pin/rod.]

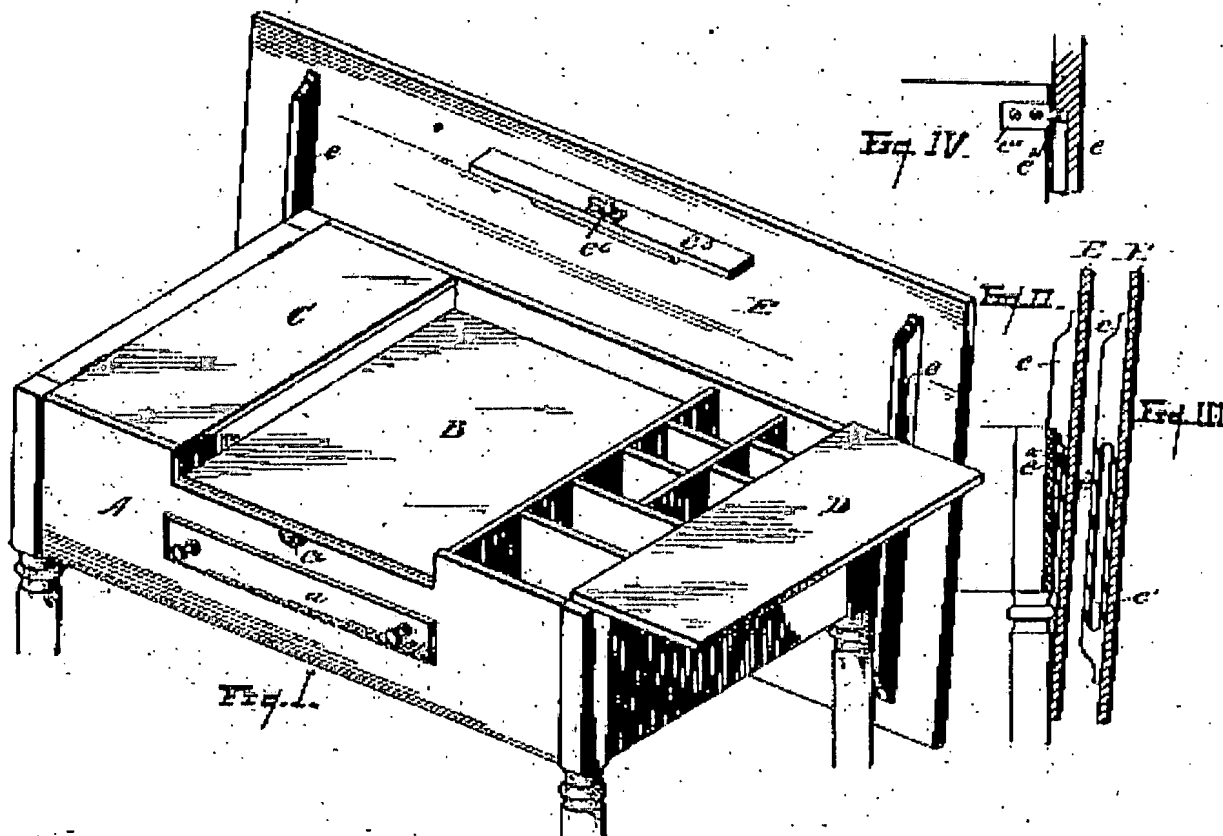
11. Regarding claims 22 and 23, Fox further discloses the hinge assembly is adapted to allow at least about 180 degrees of rotation of the first lid about the circular rod (see figures).

12. Regarding claims 25-28, Fox further discloses the storage container comprises means (legs of A, the upper portions of which contact the lids in their open positions) for supporting the first lid in an open, substantially horizontal position (as with the right lid in Figure 1), wherein the means for supporting the lid comprise a rod compression member (the legs are viewed as rods and would be in compression under the weight of the container as well as lid).

13. Regarding claims 29 and 30, Fox further discloses at least two hinge blocks (see figures) and the first lid comprises a notch (viewed as the notch in the lid mounted leaf of the hinge), and wherein the at least one hinge block is adapted to engage the notch.

14. Regarding claim 31, Fox further discloses the second lid is adapted to slidably mount to the open top of the enclosure.

15. Regarding claim 33, Fox further discloses the first lid, the second lid, and the third lid are adapted to substantially enclose the open top of the enclosure.



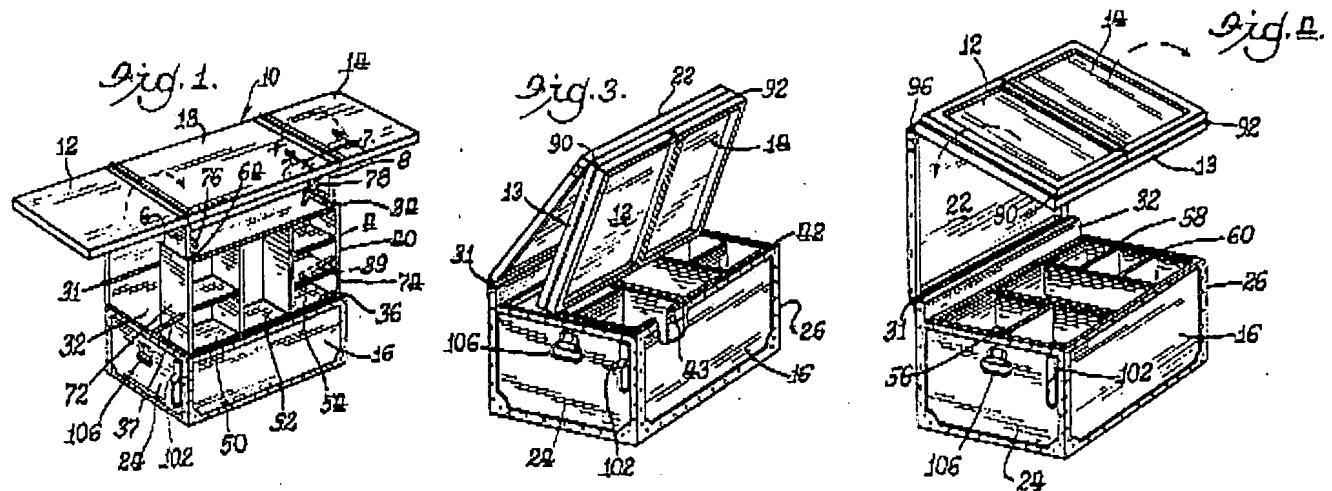
Fox '127 Figures 1-4

16. Claims 10 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fox in view of Tucker (US Patent Number 4436353).

17. Regarding claim 10, Fox, modified as described above, discloses a container as recited in claim 1 but does not disclose a plurality of second lids. Tucker (Figures 1, 3, and 4) discloses a storage container with a plurality of detachably mounted (via their hinges) second lids (12-14). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a plurality of second lids as taught by Tucker in Fox's container because of the additional surface area this could provide while maintaining a compact arrangement when folded.

18. Regarding claim 32, Fox, modified as described above, discloses a container as recited in claim 1 but does not disclose a liquid collector. Tucker discloses a storage container with a liquid collector (viewed as the recess in member 12, see Figure 4) in a second lid. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a liquid collector as taught by Tucker in Fox's lid because this would help contain any items or liquids on the surface of the lid and help prevent them from falling off of the edge of the lid.

Art Unit: 3637

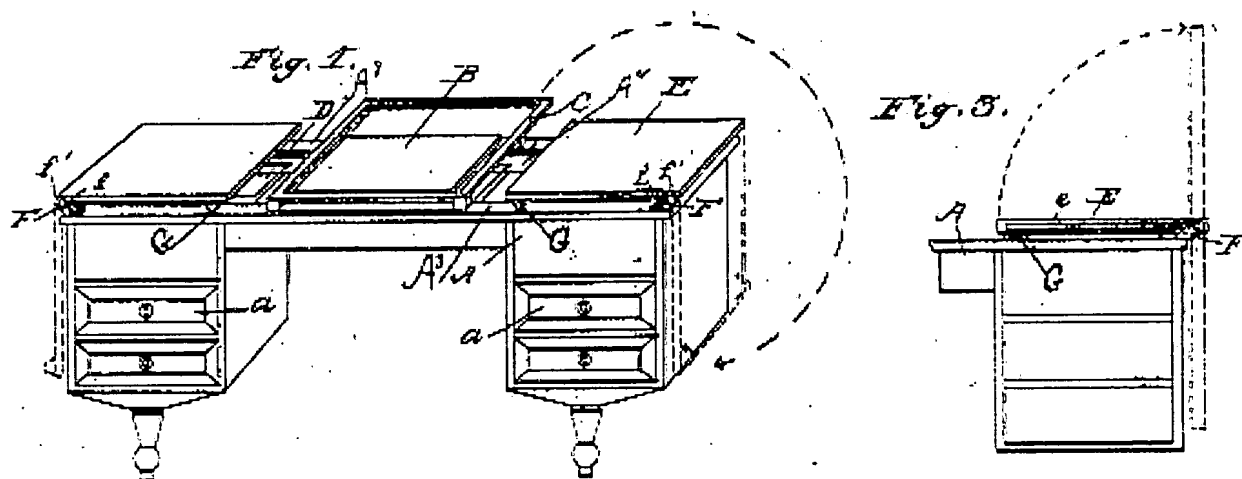


Tucker '353 Figures 1, 3, and 4

19. Claims 34-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fox in view of Donning (US Patent Number 794594). Fox discloses a storage container comprising: an enclosure (A) having an open top (at B and C), a bottom (lower portion of A), a first end and a second end (left and right sides of A, respectively) opposite the first end, a dimension extending between the first end and the second end defining a longitudinal dimension of the enclosure; a first lid (D) pivotally mounted to the first end, the first lid adapted to cover at least some of the open top; at least one second lid (E) detachably mounted (would be removable with members e, e², etc.) between the first end and the second end, the second lid adapted to cover at least some of the open top; and a third lid (also D) pivotally mounted to the second end, the third lid adapted to cover at least some of the open top; wherein the at least one second lid is slidably translatable along the open top of the enclosure between the first lid and the third lid (the lid is clearly slidable and at least portions of it can be between the first and third

lids); and wherein the first lid comprises a through hole (viewed as the hole present on the lid mounted leaf of the hinge), and wherein the first lid is pivotally mounted to the first end by a hinge assembly (see left side of Figure 1) comprising: at least one hinge block (viewed as the enclosure mounted leaf of the hinge) having a through hole; and a circular rod adapted to engage the through hole in the block and lid, the circular rod having an axis (along its length); wherein the hinge assembly is adapted to allow rotation of the lid about the axis of the circular rod, as well as a similar second hinge assembly for the third lid. [Note that Fox does not disclose specifics of his hinge; however, the members described above are viewed as inherently present in a standard hinge design. See for example US Patent Number 4099347 to Sharp, which discloses a typical hinge with two leaves, through holes, and a pin/rod.] Fox does not disclose his second lid as slidably translatable longitudinally along the top or a hinge adapted to allow more than 180 degrees of rotation. It would have been obvious however to one of ordinary skill in the art at the time the invention was made to allow the second lid to slide longitudinally instead of laterally as it has been held that a mere shifting or reversal of parts of a device involves only routine skill in the art and this could allow the lid to be opened and stored in a different manner as desired by a user. Further, Donning (Figures 1 and 3) discloses a storage container comprising first and third lids (E) pivotally mounted to ends of an enclosure for covering the enclosure and being adapted to allow about 270 degrees of rotation. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include lids as taught by Donning in Fox's container because of the added versatility such an arrangement would

provide for a user as well as providing an efficient storage solution for the open lids (by letting them rest along the ends of the enclosure).



Donning '594 Figures 1 and 3

Response to Arguments

20. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

Art Unit: 3637


TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

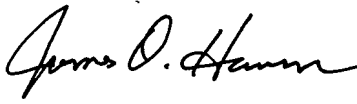
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Gabler whose telephone number is (571) 272-6038. The examiner can normally be reached on Monday through Friday, 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3637

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PFG 
9/27/2007


James Hansen
Primary Examiner